

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GREGORY SCOTT VAN HUSIEN,
Plaintiff,
v.
BILL NELSON,
Defendants.

Case No. 2:24-cv-00083-DJC-JDP (PC)

FINDINGS AND RECOMMENDATIONS

THAT THE CLERK OF COURT BE
DIRECTED TO CLOSE THIS MATTER

OBJECTIONS DUE WITHIN FOURTEEN
DAYS

Plaintiff is a “Three-Striker” within the meaning of Title 28 U.S.C. § 1915(g). *See Van Husien v. Chief of Staff*, No. 2:23-cv-02815-DAD-JDP (E.D. Cal. April 3, 2024) (denying plaintiff’s motion to proceed *in forma pauperis* because plaintiff is a Three Striker). Accordingly, on May 2, 2024, I recommended that plaintiff’s application to proceed *in forma pauperis* be denied. ECF No. 15. Plaintiff was allowed fourteen days to file objections. *Id.* at 3. I also recommended that plaintiff be directed to tender the filing fee within thirty days of any order adopting these recommendations. *Id.*

Plaintiff neither filed objections nor tendered the filing fee. On June 27, 2024, the district judge adopted the findings and recommendations and ordered plaintiff to tender the filing fee within thirty days. ECF No. 18. The district judge referred the matter back to me for further pre-trial proceedings. *Id.* Plaintiff filed two motions seeking to arrange a payment plan for his filing

1 fee. ECF Nos. 20 & 21. Given that plaintiff's requests were effectively to proceed *in forma*
2 *pauperis*, I denied those motions and granted plaintiff an additional twenty-one days to tender the
3 filing fee. ECF No. 22.

4 The deadline to tender the filing fee has expired, and plaintiff has not done so.

5 Accordingly, it is RECOMMENDED that the Clerk of Court be directed to close this
6 matter and plaintiff's pending motion, ECF No. 12, be denied as moot.

7 These findings and recommendations are submitted to the United States District Judge
8 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days of
9 service of these findings and recommendations, any party may file written objections with the
10 court and serve a copy on all parties. Any such document should be captioned "Objections to
11 Magistrate Judge's Findings and Recommendations," and any response shall be served and filed
12 within fourteen days of service of the objections. The parties are advised that failure to file
13 objections within the specified time may waive the right to appeal the District Court's order. *See*
14 *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir.
15 1991).

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17 IT IS SO ORDERED.

18 Dated: August 27, 2024

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20 JEREMY D. PETERSON
21 UNITED STATES MAGISTRATE JUDGE
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